

### **SUPPLEMENTAL EXAMINER'S AMENDMENT**

This Supplemental Examiner's Amendment is in addition to the previous Examiner's Amendment, filed 12/11/2009.

An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, and amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with James J. Decarlo on 3/22/2010.

The application has been amended as follows:

#### **ABSTRACT**

Please **REPLACE** the Abstract with the following:

#### **ABSTRACT OF THE DISCLOSURE**

Data streams are selected according to user preferences and transmitted to the user. Such data streams may be audio, video, or other works, such as popular music or the like, or other works, including music videos. Users may indicate their general or specific preferences with regard to song, artists, or albums. Other users, particularly ones who access the system often, can act as influencers or controllers of the music transmitted to the user. Any other aspects or factors that might affect the user's preferences can be taken into account, such as popular radio stations in the United States or anywhere in

the world. A playlist can be created that combines all of these factors, as well as any applicable statutory regulations. The playlist serves as a basis for feeding the data streams to the user, and the user can enjoy music generally of their choosing, while additionally being exposed to new music (if the user so prefers). An Internet radio is established. Each user can express their own preferences and receive music corresponding to those preferences on an on-going basis. Every individual can be the manager of their own radio station that broadcasts music that parallels the user's tastes. Other users may also choose to hear the same playlist as another individual, or allow that individual to influence their playlist.

### ***Examiner Remarks***

The Replacement Drawing for Figure 1 has been entered and the application is now in condition for allowance.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Bret Dennison whose telephone number is 571-272-3910. The examiner can normally be reached on Monday-Thursday 9am-5:30pm Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tonia Dollinger can be reached on (571) 272-4170. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/J Bret Dennison/  
Primary Examiner, Art Unit 2443